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In re Application of BARMENTLO et al

U.S. Application No.: 10/539,699

PCT Application No.: PCT/IB03/05602

Int. Filing Date: 03 December 2003

Priority Date Claimed: 18 December 2002

Attorney Docket No.: US020549

For: SYSTEM FOR ENABLING THE USE OF
PRODUCTS BEYOND THE END OF THE
LIMITED TRIAL PERIOD

COMMUNICATION

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 03 December 2003, applicant filed international application PCT/IB03/05602, which claimed priority of an earlier United States application filed 18 December 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 01 July 2004. The thirty-month period for paying the basic national fee in the United States expired on 18 June 2005.

On 16 June 2005, applicant filed two sets of purported national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1). The first set of national stage papers referenced international application number PCT/IB03/05602 and attorney docket number "US020549" and was assigned U.S. Application Number 10/539,699. The second set of national stage papers referenced international application number PCT/IB03/05602 and attorney docket number "US020548" and was assigned U.S. Application Number 10/539,896.

DISCUSSION

The end result for an international application designating the United States is a single U.S. national stage application. Therefore, the existence of two U.S. national stage applications for a single international application is improper.

CONCLUSION

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. A proper response would include a petition under 37 CFR 1.182 along with the requisite \$400.00 petition fee and an explanation regarding why two national stage applications were filed based on the same international application. Failure to timely file a proper response will result in the serialization of U.S. Application Number 10/539,896 being vacated.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Tung

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